16\4\ CPA#

CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

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#33

Linda
7/10/01

In re prior PATENT APPLICATION of
Inventor(s): ENGEL et al.

Group Art Unit: 1645

Examiner: Minnifield

Appln. No.   08 | 468,145
~~Series Code~~ | ~~Serial No.~~

Filed: June 6, 1995

OIPE
JUN 2 7 2001
PATENT & TRADEMARK OFFICE

Atty. Dkt.   PM 217506 | 93 116 PH
_____|_____
Parent M# | Client Ref

Date: June 27, 2001
**DO NOT USE THIS FORM (EXCEPT FOR DESIGNS)
IF PARENT WAS A CPA FILED ON/AFTER 5/29/00;
USE RCE FORM PAT-252**

Hon. Commissioner for Patents
Box CPA
Washington, DC 20231

This is a request for a   ☒ continuation   ☐ divisional application under 37 CFR 1.53(d), (continued
prosecution application (CPA)) of the above prior application number, entitled
OLIGOPEPTIDE LYOPHILISATES, THEIR PREPARATION AND USE

06/29/2001 TGEDAHU1 00000056 08468145

01 FC:131   710.00 OP   NOTES
02 FC:117   890.00 OP

FILING QUALIFICATIONS: The prior application identified above cannot be a CPA filed <u>on/after</u> 5/29/00 but must be a nonprovisional application filed <u>before</u> 5/29/00 that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371, i.e., having a <u>§102(e) date granted</u> and is neither abandoned nor its proceedings terminated and its issue fee has not been paid (unless item 6A below is X'd).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.	☐ Enter the unentered amendment previously filed on _____ in the prior nonprovisional application. (Include claim fees on page 2).
2.	☒ A preliminary amendment is enclosed. (See page 3 for additional claims fees).
3.	This application is filed by <u>fewer</u> than all the inventors named in the prior application, 37 CFR 1.53(d)(4). a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application: 1. _____ 2. _____ 3. _____ 4. _____ b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.	☐ A new power of attorney is enclosed.
5.	Information Disclosure Statement is enclosed including: ☐ IDS Letter ☐ Cited Appln(s). ☐ Foreign Search Report/OA ☐ PTO-1449 ☐ Cited Documents

6. ☐ <u>PRELIMINARY AMENDMENT</u> to be entered before fee calculation (Do <u>not</u> make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee (<u>on page 2</u>) per MPEP § § 506 and 607; do <u>not</u> cancel all claims.):

6A. ☐ <u>The issue fee has been paid in the parent</u>, but this CPA Request is based on a Rule 313(c)(3) petition and Rule 53(d)(1)(ii)(A).

6B ☐ See **NONPUBLICATION REQUEST** under Rule 213(a) attached (PAT-258)

7. ☐ **Please suspend action** under Rule 103(b) for a period of _____ Months (limited to 3 months maximum)

<div align="center">

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
<u>EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 1 & 6 ABOVE</u>

</div>

8. Small Entity Status ∅ ☒ is Not claimed ☐ is claimed (**pre**-filing confirmation required)

9. Basic filing fee -		Large/Small Entity			Fee Code
	☒	Utility Appln. - - $710/$355	$	710	(131/231)
	☐	Design Appln. - - $320/$160	$	0	(132/232)
	☐	Plant Appln. - - $490/$245	$	0	(133/233)
	☐	Reissue Appln. - - $710/$355	$	0	(134/234)

10. (reserved)

11. Total Effective Claims 4	minus 20 = * 0	x	$18/$9 =	+ 0	(103/203)
12. Independent Claim 1	minus 3 = * 0	x	$80/$40 =	+ 0	(102/202)

*If answer is zero or less, enter "0"

13. If <u>any proper</u> (ignore improper) multiple dependent claim is present, ☐ add $270/$135 + 0 (104/204)

14. Original Due Date: January 27, 2001 ☐ None

15. **Petition is hereby made** to extend the <u>original</u> due date to cover the date this CPA is filed for which the requisite fee is attached
(1mo)- $110/$55= $_____ (115/215)
(2mos)- $390/$195= $_____ $ 890 (116/216)
(3mos)- $890/$445= $_____ (117/217)

16. Enter any previous extension fee <u>paid</u> since above <u>original</u> due date (item 14) and subtract - $ 0

17. **EXTENSION FEE ATTACHED** $ 0

18. **TOTAL FILING FEE =** $ 1600

19. If box 7 above is X'd,- - - - - - - - - - - - - - - - - - - add required fee ($130) + 0 (122)

20. **FEE ATTACHED =** $ 1600
(carry forward to line 27)

<div align="center">

(FOR AMENDMENT FEES RE ITEM 2 ABOVE SEE NEXT PAGE)

</div>

21. ☐ ATTACHED:

22. **ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT**
     TO BE ENTERED (PER ITEM 2 ABOVE)

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	
				Large/Small Entity	Fee Code
23. Total Effective Claims	_____ minus**	20	= * 0	x $18/$9 = $ 0	(103/203)
24. Independent Claims	_____ minus***	3	= * 0	x $80/$40 = + 0	(102/202)

25. If amendment enters proper multiple dependent claim(s) into this application for the
    first time, - ☐ add $270/$135 (per application) + 0 (104/204)

26.   ADDITIONAL FEE $ 0

27.   <u>plus</u> **FEE** from item 20 on page 3 + 0

28.   **<u>TOTAL FEE ATTACHED</u>** $ _____

29. *If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

30. **If the "Highest number previously paid for" (see item 11 above) is less than 20, write "20" in this space.

31. ***If the "Highest number previously paid for" (see item 12 above) is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975
Our Order No. __11468__ | __217506__
                   C# | M#

32. **<u>CHARGE STATEMENT</u>**: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (<u>missing or insufficient fee only</u>) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a <u>duplicate</u> copy of this sheet is attached. **This CHARGE STATEMENT <u>does</u> <u>not</u> <u>authorize</u> charge of the <u>issue</u> <u>fee</u> until/unless an issue fee transmittal form is filed.**

Pillsbury Winthrop LLP
Intellectual Property Group

1600 Tysons Boulevard   By Atty: **Blair E. Taylor**   Reg. No. __44,370__

McLean, VA 22102   Sig: *Blair Elizabeth Taylor*   Fax: **(703) 905-2500**
Tel: (703) 905-2000   Tel: **(703) 905-2198**
Atty./Sec. BET/LMR

NOTE: No. 1: File this Request in <u>duplicate</u> with PTO receipt (PAT-103A) & attachments.
     NOTE: No. 2: Is extension necessary for copendency? **DOUBLE CHECK** Item 14 above.